

Newstead Town Board Meeting- October 28, 2002

A Public Hearing was called to order by the Newstead Town Board on Monday, October 28, 2002 at the Newstead Town Hall at 7:45 PM.

Present: Gerald F. Summe -Supervisor
David Cummings- Councilman
Joan M. Glor- Councilwoman
Harold L. Finger- Councilman
Jim Ebersole- Highway Superintendent
Donnal Folger- Code Enforcement Officer
Nathan Neill- Town Attorney
Andrew Casolini- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman George who is on business.

Supervisor Summe called the public hearing on the 2003 Preliminary Budget to order at 7:45 PM. And gave a brief explanation, he read his Budget Message for 2003

The Town Clerk read the proof of publication for the Public Hearing.

The following spoke:

Doug Ceisner, 100 East Avenue questioned RV sites cost in WD#5 vs. vacant land cost. He also questioned why they don't pay 50% of what an apartment or manufactured home would be charged. He also questioned the pay raise for the Supervisor from \$21,385 to \$25,000, a 17% increased which he disagrees's with.

John Burke, 4820 Crittenden Rd., voiced his agreement with Mr. Ceisner's comments.

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to close the 2003 Preliminary Budget public hearing. Motion carried and hearing was adjourned at 8:00 PM.

Supervisor Summe called the public hearing on Local Law No. 3 of the Year 2002 to order at 8:01 PM and gave a brief explanation.

The Town Clerk read the proof of publication for the Public Hearing.

The following spoke: No one spoke

A motion was made by Councilman Cummings, seconded by Councilman Finger to close the Local Law No. 3 of the Year 2002 public hearing. Motion carried and hearing was adjourned at 8:03 PM

Supervisor Summe called the public hearing on Community Block Grant Funding for 2002 ratings and recommendations to order at 8:04 PM and gave a brief explanation.

The Town Clerk read the proof of publication for the Public Hearing.

The following spoke: No one spoke

A motion was made by Councilman Finger, seconded by Councilman Cummings to close the Community Block Grant funding public hearing. Motion carried and hearing was adjourned at 8:05 PM

A Regular Meeting was called to order by the Newstead Town Board on Monday, October 28, 2002 at the Newstead Town Hall at 8:06 PM with the same Board members present as above.

Carl Klingenschmitt led the pledge to the flag.

Minutes from the previous regular board meeting held on October 14, 2002 were presented for approval as well as minutes for a Special Meeting held on October 21, 2002. A motion was made by Councilman Cummings, seconded by Councilwoman Glor to approve as presented.

Carried Unanimously

Communications -Clerk presented the following:

A copy of the Akron Village Board meeting minutes for October 7,2002 were received.

A letter from the New York State Dept. Of Health regarding the drinking water state revolving fund and its final intended use plan.

A letter from the Office of the State Comptroller acknowledging receipt and filing on October 1, 2002 of the order establishing Extension No. 1 to Water District No. 5.

A notice from the NYS DEC announcing documents that are now available for public review and comment on the new Federally Mandated Program to Control Stormwater Run-off.

A copy of a letter from Wendel Duchscherer to Sergi Construction regarding Water District No. 5- Phase 3 plans and bid items.

A letter from Jeff Randall of Rothland Golf Course to the Newstead Town Board regarding concerns with possible construction errors and incorrect buffer zones at Bright Meadows Golf Course.

A memo from Bookkeeper Kathy Strobele to the Town Board regarding possible savings in the town's payroll program.

A letter from Thomas Hersey, Erie County Pollution Prevention Program Coordinator regarding the discontinued use of urinal blocks made of para-dichlorobenzene to prevent pollution and risk to employee's health.

An e-mail response from Akron Village Police Department Manager Rick Lauricella with comments on the Akron Airport re-zoning issue.

A letter from Starz & Stripes Soccer Club requesting use of the Town Park Soccer field from May to August 2003 and the field and shelter facilities for their Soccer Fest on Saturday and Sunday August 2 and 3, 2003.

A copy of a letter of transmittal from Wendel to Sergi Construction with 2 copies of Submittal for Lawn Restoration- No Exceptions Taken.

A motion was made by Councilman Finger, seconded by Councilman Cummings to receive and file correspondence as presented.

Carried Unanimously

Work Session: Supervisor Summe reported that a work session was held on October 21,2002 and the following were discussed: the Henley Re-zoning on Bloomingdale Road, Water Dist. #5- Phase 2 and 3, Refuse Contract Disposal, Sewer Issues, ADP Payroll Service, the Radio Tower, County Line Stone- Schurr Road, Senior Center issues, Airport Re-zoning, LOSAP proposal, and Town Hall hours among other issues were discussed. A Special Meeting was held to set a final public hearing on the retirement incentive program.

Privilege of the Floor – Gerald Szmania,13356 Stage Rd., questioned if any results were received from counter placed on Schurr Rd. Highway Superintendent Jim Ebersole responded that no final numbers were received as of yet. The counter was placed for at least 5 days. This study was also done 3 years ago and he was told the “use range” had not changed since the last study. Based on all that information, the Board is leading towards closing Schurr Rd.

John Burke, 4820 Crittenden Rd., questioned that at the meeting held on 9/28/02, it was motioned to remove the County Line Stone expansion issue from agenda until a response was received from the DEC, therefore why was the Board now discussing the closing of Schurr Road issue. The Supervisor replied that the DEC responded they needed a decision on the Schurr Road closing to move forward on the project. Mr. Burke also questioned what consideration the Town would be getting for Schurr Rd. The Supervisor stated that it is estimated there are \$35,000 - \$60,000 in materials cost in the road. Supervisor Summe also stated he met with County Line Stone owners to negotiate a price for Schurr Rd. County Line Stone has offered to pay \$100,000 the first year and \$75,000 in each of the two following years for the purchase back of the easement of Schurr Rd from the Town of Newstead. This would total \$250,000 over three years. The negotiation is for an easement not the materials involved. Mr. Burke stated \$250,000 does not seem fair when County Line Stone stated they would stand to lose \$66 million dollars if the road were not closed. The geologist wrote impact statement and listed it as a quarry.

Approval of Bills -Councilwoman Glor reported that she had reviewed Abstract Batch #65 & 71 from 10/14/02 meeting of the previously UN-audited vouchers and found everything in order. She presented Abstract Batch # 74 & 75. Vouchers on Abstract Batch #74 & 75 numbered 979-981& 1051-1085 totaling \$290,324.79 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 74 & 75:

General Fund "A" -\$8,147.65, Fund "B" \$87.12, Highway "DA" -\$0.00, Highway: Outside Village (DB) \$22,813.62, Capital Projects- WD#5-Phase II (HC) \$252,761.18, Capital Projects- WD#7 A (HD) \$0.00, Library Project (HE) \$0.00, Fire Protection (SF) \$66.06, Refuse (SR) \$1,879.20, Sewer Fund (SS) \$19.36, and Water Districts (SW1) \$5,012.50, (SW2) \$0.00, (SW3) \$7,685.75, (SW4) \$0.00, (SW5) \$0.00, (SW6) \$0.00, (SW7) \$0.00, (SW7A) \$0.00, (SW8) \$0.00, (SW9) \$0.00, Trust & Agency (TA) \$0.00, totaling \$290,324.79

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Trucks are prepared for winter. He is interviewing candidates to replace the retiring Bill Rodgers on Wednesday and Thursday. They installed the new 45 MPH signs on Stage Rd.

Assessor –not present

Code Enforcement Officer - the following building permits were presented for the record:

Norman Thuman	13165 Stage	Woodburning Stove
Jeff Cheavacci	13471 Bloomingdale	Storage Bldg
Leisurewood	5720 Cummings	Maintenance Bldg Addition
Ronald Funk	4137 N Millgrove	Convert 2 family to 1 family
Darrin Berghorn	11313 Miland	One Family Home

A motion was made by Councilman Finger, seconded by Councilman Cummings to approve as presented. Carried Unanimously

Don also reported: nothing at this time.

Town Clerk- Nothing

Attorney for the Town-nothing at this time

COUNCILPERSONS

George – not present

Cummings –He attended the Celebration Committee Meeting in October with Dawn and Harold. They are asking for more people to become a part of the committee due to resignation of most of the present committee. Next meeting is Nov.13, 2002. Web site is updated.

Glor –nothing

Finger- nothing

SUPERVISOR –nothing

UNFINISHED BUSINESS

Water District #5- Phase 2 & 3: Phase 2 –Reviewing work, Hunts Corners and Maple construction this week.

Phase 3-

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to accept proposal on Easements for WD #5 Phase 3.

Carried.

Comprehensive Master Plan Update –updated vision map and all addenda's are in. Two corrections are being made to map. The public hearing will be set next week.

Christian Airmen Re-Zoning- It is in the hands of the consultant and with in 7-10 days the initial report will be back.

Radio Tower-The final billing has been received, radio's working well overall.

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to remove this item from the agenda.

Carried

Refuse Issues-Nathan has prepared notice to bidders. We currently have bids at \$27.00 through end of the year. Advertising bids for a long -term 5 year contract. Will be publishing a notice in the paper.

A motion was made by Councilman Finger, seconded by Councilwoman Glor to publish a Notice to Bidders for disposal of solid waste in the Akron Bugle and to mail out Bid Specs to local waste management businesses.

Carried

Henley & Murphy Re-Zoning- 13557 Bloomingdale Road-

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to declare Lead Agency status on this project and to post Public Hearing notice for Local Law#6- re-zoning of a parcel of land from R-A to I-2 on December 9,2002 at 7:55 PM.

(Resolution Attached) Ayes- 4 Nay-0 Carried Unanimously

LOSAP Proposals- Met with Village of Akron Committee and we have 3 weeks to make decision with village.

Other-

NEW BUSINESS

Senior Center Prep work:

A motion was made by Councilman Finger, seconded by Councilwoman Glor approving and authorizing Wendel Duschcherer to do all the necessary preparation for the Senior Center addition at Newstead Fire Hall.

Carried Unanimously

Starz & Stripes request:

A motion was made by Councilwoman Glor, seconded by Councilman Finger authorizing Starz & Stripes Soccer Club to use the Town Park soccer fields and facilities for their soccer tournament on August 2 and 3, 2003.

Carried Unanimously

Linear Trail Grant Request:

A motion was made by Councilwoman Glor, seconded by Councilman Cummings authorizing the Supervisor to sign all necessary paperwork for the linear trail grant request.

(Resolution Attached) Ayes- 4 Nay-0 Carried Unanimously

CDBG Grant and Ranking:

A motion was made by Councilman Finger, seconded by Councilwoman Glor to authorize the Supervisor to enter into a contract for the Community Development Block Grant funding for a senior center in the amount of \$90,000.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to authorize the Supervisor to enter into a contract for the CDBG funding for a senior center and the Rural Transit Van Service totaling \$90,000.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

Schurr Road Discontinuance:

A motion was made by Councilman Finger, seconded by Councilman Cummings to authorize the Supervisor to send the approved and attached letter to the NYS DEC regarding the discontinuance of Schurr Road.

(Resolution Attached) Ayes- 3 Nay-0 Abstain-1 Carried

Local Law No. 5 of 2002- Public Hearing:

A motion was made by Councilman Cummings, seconded by Councilman Finger declaring SEQRA Lead Agency status for Local Law No. 5 of the Year 2002.

A motion was made by Councilwoman Glor, seconded by Councilman Finger authorizing the Town Clerk to publish in the Akron Bugle a Notice of Public Hearing on December 9,2002 at 7:45 PM on Local Law No. 5 of the Year 2002, regarding amendments to the Zoning law for the housing of unlicensed vehicles and requirements for housing, pasturing and managing animals.

{Resolution Attached) Ayes- 4 Nay-0 Carried Unanimously

Stage Road Speed Study:

A motion was made by Councilman Finger, seconded by Councilwoman Glor authorizing a request for a speed study to be done on Stage Road from Crittenden Road to South Newstead Road by Erie County.

Carried Unanimously

Other:

Water District #5 Extension:

A motion was made by Councilman Cummings, seconded by Councilman Finger authorizing extension of Water Line #5 by Sergi Construction and granting a 45 day extension to project completion date and contract.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

Local Law #3:

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to adopt Local Law #4 (3) of the Year 2002.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

A motion was made by Councilwoman Glor, seconded by Councilman Finger to change the previously numbered Local Law #3 to Local Law #4 for expediency of filing purposes for the retirement incentive.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

Question Period-Superintendent Ebersole requested that any further speed studies done in the Town of Newstead on town roads be done for the entire length of the road.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Finger to adjourn at 9:15 PM

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk